

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LUIS QUINONES

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-505-KHJ-LGI

WARDEN DAVID PAUL

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation [20] of United States Magistrate Judge LaKeysha Greer Isaac. That Report recommends that this Court dismiss the petition for writ of habeas corpus filed by Luis Quinones. [1]. Written objections to the Report were due by October 18, 2021. The Report notified the parties that failure to file written objections to the findings and recommendations contained therein by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.* No party filed written objections by this deadline.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Magistrate Judge recommended that this Court dismiss Quinones' petition for writ of habeas corpus for four reasons. First, Quinones has not made the

requisite showing of an ongoing “case or controversy” post-release. [20] at 3. Second, even if Quinones made the requisite showing since his release, he has not shown that his § 2241 petition should not be dismissed for lack of jurisdiction because he has not satisfied § 2255(e)’s savings clause requirements. *Id.* Third, Quinones has not filed a § 2255 petition preserving his claim. *Id.* Lastly, he has failed to submit a current address to the clerk of court and to communicate with the Court since filing his petition, and thus his petition is also subject to dismissal for want of prosecution and failure to comply with local rules. *Id.* After review of the record, the Court, being fully advised in the premises, finds that the Report and Recommendation is neither clearly erroneous nor contrary to law and should be adopted as the opinion of this Court. Accordingly, the petition for writ of habeas corpus is dismissed.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [20] of United States Magistrate LaKeysha Greer Isaac, entered in this cause should be, and the same is, adopted as the finding of this Court. A separate Final Judgment will issue this day.

SO ORDERED, this the 19th day of October, 2021.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE